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Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

SUMMARY RECORD OF THE 344th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 6 January 1997, at 10.30 a.m.

Chairperson: Mrs. BELEMBAOGO

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GE.97-15006 (E)

The meeting was called to order at 11.10 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the fourteenth session of the Committee on the Rights of the Child.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda)

2. The provisional agenda (CRC/C/59) was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

3. Mrs. RAADI-AZARAKHCHI (Secretary of the Committee) said that the Committee had received a total of 96 initial reports (two of them for reconsideration) 62 of which had already been considered. Currently, there were 188 States parties to the Convention on the Rights of the Child.

STATEMENT BY THE ASSISTANT SECRETARY-GENERAL FOR HUMAN RIGHTS

4. Mr. FALL (Assistant Secretary-General for Human Rights), recalling that the rights of the child occupied a prominent place in the Vienna Programme of Action, said he hoped that the Committee would make a positive contribution to the 1998 review, on the occasion of the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights, of the goals set in the Programme of Action.

5. At its fifty-first session, the General Assembly had adopted several resolutions relevant to the Committee's work. In its resolution entitled "The rights of the child" (A/C.3/51/L.37), it welcomed the report submitted by the Committee (A/51/41) and took note with appreciation of the constructive role played by the Committee in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation. In part II of the same resolution, entitled "Protection of children affected by armed conflict", the General Assembly, after welcoming the report of the expert of the Secretary-General on the impact of armed conflict on children (A/51/306 and Add.1), recommended that the Secretary-General appoint for a period of three years a Special Representative on the impact of armed conflict on children, and requested the Special Representative to submit to the General Assembly and the Commission on Human Rights an annual report on the situation of children affected by armed conflicts.

6. In part IV of the resolution, the General Assembly expressed its support for the work of the Special Rapporteur appointed by the Commission on Human Rights to examine the question of the sale of children, child prostitution and child pornography, whose report (A/51/456) had been submitted to the Assembly, and welcomed the convening at Stockholm of the World Congress against Commercial Sexual Exploitation of Children and the adoption and dissemination of the Declaration and Agenda for Action of the Congress.

7. In part III of the resolution, on refugee and internally displaced children, the General Assembly called for the continual monitoring of the care arrangements of unaccompanied refugee and internally displaced children. Lastly, in part VI of the resolution, on the plight of street children, the General Assembly recommended that the Committee should give attention to that growing problem when examining reports from States parties.

8. In its resolution entitled "The girl child" (A/C.3/51/L.31), the General Assembly urged all States to take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms and to take effective action against violations of those rights and freedoms.

9. It was a matter for satisfaction that, following the informal meeting held at Cairo between the members of the Committee on the Rights of Child and the members of the Committee on the Elimination of Discrimination against Women, the two Committees were planning to strengthen their cooperation, a move that was very much in the spirit of an integrated approach to human rights.

10. In its resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" (A/C.3/51/L.34/Rev.1), the General Assembly welcomed the report of the persons chairing the human rights treaty bodies on their 7th meeting (A/51/482) and requested the Secretary-General to prepare a detailed analytical study comparing the provisions of the six main international human rights instruments with a view to identifying duplication of reporting required under those instruments.

11. The Committee on Human Rights, the Committee against Torture and the Committee on Economic, Social and Cultural Rights, each of which had held a session in autumn 1996, had requested the United Kingdom of Great Britain and Northern Ireland to prepare a special report on Hong Kong in the context of the forthcoming transfer of sovereignty to China. It should also be pointed out that the Committee against Torture had invited the Government of Israel to submit to it, as a matter of urgency, a report on the statement by the Supreme Court authorizing the use of physical coercion by the security services during the interrogation of persons suspected of acts of terrorism.

12. Lastly, he assured the Committee of his full support for its work.

13. The CHAIRPERSON welcomed the fact that the General Assembly had, for the first time, adopted such a large number of resolutions concerning the rights of the child, a reflection of the international community's increasingly explicit commitment to children. It was important, however, that the resolutions should not remain dead letters. In that connection, encouragement could be drawn from the report of Mrs. Graça Machel, the expert appointed by the Secretary-General to study the impact of armed conflict on children, the information given by the various treaty bodies on the integration and complementarity of their work, the Cairo visit organized by the United Nations Population Fund (UNFPA), and the discussions with the International Labour Organization (ILO).

14. Mr. KOLOSOV noted with satisfaction that the Committee on the Rights of the Child had, at its thirteenth session, adopted the general guidelines regarding the form and content of initial reports to be submitted by States parties under article 44, paragraph 1, subparagraph (a), of the Convention (CRC/C/5), but he wondered how the Committee would be able to cope with its steadily increasing workload. It would also be desirable to find some way of speeding up the process of adopting the amendment to the Convention concerning the increase in the Committee's membership.

15. Mrs. SANTOS PAIS said that, while she welcomed the fact that the General Assembly had taken note with appreciation of the Committee's report, she found it regrettable that the Member States represented in the Assembly had not even mentioned the report in their statements. It might, perhaps, be useful if a member of the Committee were to make a presentation to the Assembly on the main features of the Committee's work so as to make it more aware of those activities.

16. She shared Mr. Kolosov's concern about the Committee's increasing workload and hoped that it would receive more sustained support from the Secretariat in the future. For example, it would be useful if the written replies by Governments on the issues to be taken up during the consideration of their reports were sent to the members of the Committee well in advance of its sessions, so that they would have time to study the replies and prepare for the discussions with the delegations of the States parties.

17. The CHAIRPERSON said that she supported the suggestions made by the members of the Committee. She wondered whether the Centre for Human Rights could, on the occasion of the meeting of the representatives of States parties to elect new members of the Committee, bring up the possibility of speeding up the implementation of the recommendation for an increase in its membership.

18. Mr. FALL (Assistant Secretary-General for Human Rights) said that there were four points he would like to bring to the attention of the members of the Committee. First of all, the question of the implementation of the amendment to the Convention to increase the Committee's membership should be looked at in the more general context of the implementation of the human rights instruments. For example, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had aroused a very lively interest among Member States, but not many of them had ratified it. That was unfortunately true of other instruments and the proposed amendments to them. The Centre for Human Rights could indeed remind the States parties that they had adopted the amendment to the Convention on the Rights of the Child, but it could not go any further than that. In view, however, of the decision taken at Vienna concerning the universal ratification of the human rights instruments, it would be possible for the new Secretary-General of the United Nations to reiterate the appeal made in that regard by Mr. Boutros Boutros-Ghali in 1996.

19. Secondly, with respect to the interest shown by the General Assembly in questions connected with the rights of the child, he doubted whether a presentation to the General Assembly by a member of the Committee on its main areas of work would make the Member States any more aware of the problems of children. It would be better to consider whether the policy followed by the

Centre for Human Rights was appropriate to ensure that the costly documents were read and understood and to secure a timely reaction from the Member States. It might be useful to give some thought to that point and make a recommendation to the Secretary-General.

20. Thirdly, with regard to the new situation confronting the Committee, he recalled that the United Nations was going through a serious financial and budgetary crisis which was having an impact on the work of the Secretariat despite its constant efforts to ensure that the Committee's recommendations were followed up. Nevertheless, he noted with satisfaction that, in the context of the plan of action to strengthen the implementation of the Convention on the Rights of the Child, the High Commissioner had received voluntary contributions which, it was hoped, would enable him to recruit two or three additional staff members who could help with the Committee's work.

21. Fourthly, he welcomed the cooperation between the Committee and other relevant organs and organizations of the United Nations system, such as ILO, which was doing everything possible to ensure the implementation of the articles of the Convention concerning the prohibition of child labour. He recalled also the importance for children of the right to food, emphasized at the recent World Food Summit held at Rome under the auspices of the Food and Agriculture Organization of the United Nations and of the right to adequate housing highlighted at Istanbul during the Habitat II Conference. The Committee's cooperation with the United Nations Educational, Scientific and Cultural Organization (right to education) and the United Nations High Commissioner for Refugees (displaced and refugee children) also deserved mention.

22. The CHAIRPERSON, having thanked the Assistant Secretary-General for his statement, invited the members of the Committee to hold private consultations immediately after the meeting rose.

The meeting rose at 12.30 p.m.

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Fourteenth session

SUMMARY RECORD OF THE 345th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 January 1997, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES

Initial report of Bulgaria

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GE.97-15014 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Bulgaria (CRC/C/8/Add.29 (English only); CRC/C/Q/BUL.1 (list of issues); written replies by the Government of Bulgaria with no document symbol, in English)

1. At the invitation of the Chairperson, Mrs. Bojkova, Mr. Andreev, Mr. Kolarov, Mr. Stefanov and Ms. Todorova (Bulgaria) took places at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Bulgaria and invited it to introduce the initial report of the Bulgarian Government (CRC/C/8/Add.29).

3. Mrs. BOJKOVA (Bulgaria), having paid tribute to the Committee for its work in promoting children's rights, said that Bulgaria had ratified the Convention on the Rights of the Child in 1991 without any reservations and that its initial report had been drafted in accordance with the general guidelines adopted by the Committee and with the widest possible participation of representatives of competent institutions and non-governmental organizations (NGOs). Neither in its initial report nor in its written replies had her Government sought to hide the problems and obstacles preventing the full implementation of the Convention in Bulgaria.

4. With regard to the place of the Convention in Bulgaria's domestic legal system, she said that the Constitution gave ratified international instruments precedence over domestic legislation. In its concern to bring its legislation fully into line with the Convention, the Government envisaged the preparation of a draft law on the protection of the child. Furthermore, the Council of Ministers had recently adopted two decrees aimed at improving the situation of children: Decree No. 88 of 18 April 1995 established the Committee for Young People and Children, which was empowered to elaborate and coordinate State policy on children and youth; and Decree No. 252 of 22 December 1995, regulating the establishment of care centres for homeless children.

5. In 1995, Parliament had amended the Penal Code with a view to protecting children against kidnapping and sexual abuse and, in December 1996, it had adopted an act to amend the Combating Antisocial Behaviour by Minors and Adolescents Act, which emphasized prevention and education and gave juvenile delinquents the right to counsel and, in the event that a local Commission for Combating Antisocial Behaviour by Minors and Adolescents should decide to place them in an institution, the right to have that decision reviewed by the courts.

6. Still at the stage of consideration were a bill on assistance to families in child upbringing, and a draft ordinance providing for the establishment of a special Youth and Children Development Activities Fund, to finance projects such as the production of children's food and clothing and to promote children's tourism and leisure.

7. With regard to children deprived of liberty, she wished to point out that 12 per cent of criminal offences in 1995 had been committed by juveniles. Her Government was fully aware that deprivation of liberty should be used only as a last resort, and that young offenders must be treated humanely and with due regard to their age.

8. Complaints of violations of human rights by law-enforcement officials, and especially by police officers, were investigated, and the findings of such investigations were made public. Following such complaints, 75 disciplinary proceedings had been conducted in the period 1994-1996. Courses, seminars and conferences on human rights were organized for teachers, prosecutors, judges and police and prison officials.

9. On the question of Roma children, she said that, according to a recent report by Human Rights Watch, 85 per cent of street children belonged to the Roma minority. Because of the serious crisis through which the country was passing, that minority was severely affected by poverty and unemployment, and a growing number of Roma children were involved in prostitution. According to the Ministry of the Interior, 37 per cent of all crimes recorded were committed by Roma, a fact that accounted in part for the negative public attitude towards that minority. Against that background, the Government was currently drafting a programme aimed at solving the social, economic, health and nutritional problems encountered by Roma. In that context, activities were scheduled to be carried out in close cooperation with the Bulgarian Red Cross and several NGOs. Municipalities were also being asked to set up children's canteens in regions with a predominantly Roma population.

10. In conclusion, she said that, despite the extreme gravity of the economic crisis, which had obliged the State to cut public spending on social welfare programmes and the protection of vulnerable groups, and which had led to the resignation of the Government on 28 December 1996, Bulgaria would make every effort to ensure strict implementation of the Convention and would continue to cooperate fully with the Committee.

11. The CHAIRPERSON invited the members of the Committee to ask questions concerning "General measures of implementation" (arts. 4, 42 and 44, para. 6, of the Convention, issues Nos. 1 to 11 in the list of issues (CRC/C/Q/BUL.1)).

12. Mr. KOLOSOV, recalling the requirement for States to undertake measures for the implementation of the rights recognized in the Convention "to the maximum extent of their available resources", asked what was the exact amount of the social allowances paid to families without incomes, referred to in paragraph 22 of the written replies; whether the international financial aid received by Bulgaria was equitably distributed; and whether children, especially the most disadvantaged among them, were beneficiaries.

13. It would also be interesting to know into what minority languages the Convention had been translated, and how many individuals, NGOs and schools had requested copies of the initial report. The written replies stated that the report was available to persons requesting it. Would it not be desirable to disseminate the report widely, rather than waiting for people to request copies?

14. Mrs. SANTOS PAIS welcomed the detailed oral introduction by the delegation of Bulgaria, and the fact that the initial report had been prepared in accordance with the guidelines. Lacunae and shortcomings regarding the implementation of the Convention had been described without complacency and that, too, was to be commended. There were five areas that called for particular attention in that regard.

15. First, she regretted the lack of statistics concerning the scope of application of the Convention by the courts, often a very revealing indicator of the welcome accorded to the Convention by public opinion. The fact that the Bulgarian courts were able to decide that a piece of legislation was obsolete gave them an important power. Did that mean, however, that an institution must first decide that a piece of legislation was incompatible with the Convention, for it to lapse officially? In other words, could domestic legislation be applied even when it was not in accordance with the provisions of the Convention?

16. Secondly, it was regrettable that there was no national machinery to draft laws for the protection of children's rights. There too, in the absence of statistics, it was difficult to determine what priority the Government gave to respect for children's rights and to what extent the policies elaborated led to results. It seemed, for example, that much remained to be done in the areas of administration of justice for minors, child beggars and child prostitution. What programmes and services existed to alleviate the impact on children of the economic problems inherent in the country's political transition? A survey on the situation of children in the country had been submitted to the National Assembly, and she would like to know the conclusions that survey had reached and how the National Assembly proposed to follow it up.

17. Thirdly, she asked whether there was a body to provide effective coordination of the various institutions working to promote children's interests, and, if so, whether that body had the mandate and powers necessary to ensure coordination of activities at all levels of public life. Was there a comprehensive plan of action for children? How was monitoring of implementation of the Convention ensured? She also wished to know whether the Government envisaged establishing an independent national institution to mediate on children's behalf.

18. The fourth point she wished to raise concerned the resources allocated by the Government for the implementation of the rights set forth in the Convention, article 4 of which required States to undertake measures with regard to economic, social and cultural rights "to the maximum extent of their available resources". She wished to know whether the Government made programmes for children a budgetary priority and whether steps had been taken to eliminate regional disparities with regard to social services and to improve treatment of the most disadvantaged children, particularly Roma children.

19. Lastly, the delegation should provide additional information on the steps taken to familiarize professionals such as judges with the principles and provisions of the Convention.

20. Mrs. KARP said she shared the concerns expressed by Mrs. Santos Pais, particularly with regard to the absence of a comprehensive policy for children and of mechanisms to ensure coordination and cooperation between the various bodies responsible for implementation of the Convention. In addition to avoiding duplication of activities, a coordination mechanism would enable Bulgaria to focus its efforts on areas of high priority, having regard to its budgetary problems. Thus, contributions received from abroad could be directly allocated to specific essential programmes.

21. She would like to know what obstacles had hindered the establishment of an independent national institution to mediate on children's behalf. She also asked what proportions of the activities of the Committee for Young People and Children related to persons below and above 18 years of age respectively.

22. With regard to raising awareness of the Convention's provisions, she stressed the resolutely innovative approach adopted therein, which conferred on the child all the dignity and rights to which human beings could lay claim. Each individual or body working for the benefit of children should be fully aware of that new perspective. Given that the Convention dealt not only with children's civil rights, but also with their economic, social and cultural rights, various categories of professionals, such as social workers and child psychologists, would have to be trained. Were steps being taken for that purpose, and what resources were allocated to any such training programmes?

23. She would like to know whether all NGOs which so desired were able to participate in the activities of the Committee for Young People and Children. Lastly, she asked what had been the outcome of the survey conducted on children in Bulgaria and whether that survey had made it possible to identify the problems that arose in connection with the drafting of laws to protect the rights of the child.

24. Mrs. EUFEMIO, having associated herself with the questions put by other Committee members, asked what working relationship existed between the Ministry of Foreign Affairs, in particular its Department of Human Rights and Social and Humanitarian Affairs, and the other ministries; she also asked what was the precise function of the Committee for Young People and Children. Without questioning in any way the competence of the Bulgarian delegation, she deplored the absence of representatives from the various ministries to which a good number of the recommendations formulated by the Committee would be addressed.

25. She emphasized the need to update the plan of action to improve the situation of children in Bulgaria, which should specify, in connection with each of its recommendations, the target group in the population and the resources allocated for that purpose, with a view to the implementation of all the provisions of the Convention. Lastly, she welcomed the fact that, in Bulgaria, social workers had henceforth to be university graduates - an indication of the high-level of competence expected of them. In that connection, she asked what was the ratio of social workers to children in the Bulgarian population and whether they adopted a more global approach to the family, where necessary.

26. Miss MASON said she would like some clarification of the precise mandate and composition of the Committee for Young People and Children, given the important powers that were vested in it. With regard to the social disturbances caused by the Roma people in Bulgaria, she asked whether there had been any attempt to identify the deep-rooted causes of their behaviour and unrest. She would also like to know whether the national or local authorities were responsible for compiling data on the implementation of the Convention in the country, on the one hand, and on the impact of the transition towards democracy on children, on the other. Lastly, she asked what percentage of Bulgarian families had a television set, since television programmes were an easy and efficient means of broadcasting information relating to the Convention.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

27. Mrs. BOJKOVA (Bulgaria), replying to Mr. Kolosov's questions, said she recognized that the sums allocated for children's welfare were quite inadequate, but pointed out that the income of the Bulgarian population as a whole was very low. The fact that such allowances existed at all represented major progress. It was only to be hoped that the next Government would approve the recommendation adopted by the former Council of Ministers that those allowances be increased. It was difficult, however, to consider the matter in isolation from developments in the country's overall socio-economic situation and it was necessary to be realistic.

28. In the case of issue No. 8 concerning international cooperation, she had the impression that there was some confusion between the words "cooperation" and "assistance". Her Government received international assistance only for specific programmes.

29. On the subject of the translation of the Convention into the minority languages, she said that, in accordance with the provisions of the Constitution, Bulgarian was the official language in the country; the Government had therefore had the Convention translated into Bulgarian. It had also been translated into Turkish, thanks to the Bulgarian National UNICEF Committee. The Government endeavoured to collect funds for the various NGOs dealing with children's rights so as to enable them to devise and carry out children's programmes as well as to translate the Convention into minority languages. The text of the Convention in Bulgarian had been distributed to the schools and universities and would be included in their curricula from 1997 onwards.

30. Bulgaria's initial report had been distributed to all the ministries, institutions and NGOs that dealt with children's rights. Owing to lack of resources, it had unfortunately not been possible to circulate it on a wider scale.

31. In reply to questions by Mrs. Santos País and Mrs. Karp, she said that, in the event of an incompatibility between domestic legislation and the Convention, the former would not automatically become null and void: the Constitutional Court could annul such a domestic law only at the request of Parliament or the Supreme Court.

32. With regard to respect for the Convention and creating awareness among the professionals responsible for its implementation, she said that every effort was being made to provide appropriate training for the staff concerned; it would take some time, however, to produce results and there were different views on the subject. It was thus very difficult to give a clear and accurate answer on that point.

33. Concerning the steps taken to ensure that children were accorded priority by her Government, she said that children's rights were guaranteed both by the Constitution and in various pieces of legislation, but it was difficult to apply them in practice owing to the country's lack of resources, even though the share of the national budget allocated to children was 10 per cent of the total.

34. The Government was doing its utmost to protect children from the adverse effects of the market economy, through its social policies, laws and decrees. A new radio and television act that had been adopted in 1996 contained specific provisions to protect children from the potentially harmful effects of information or violent or pornographic programmes. The draft child protection legislation also took account of the strategy of the Council of Europe's Parliamentary Assembly. It was in that context that an institutional mechanism had been established in 1995, namely, the Committee for Young People and Children. It was made up of 34 people with various specialities (lawyers, social workers, etc.) who had dealings with young people both under and over the age of 18, but it was still too early to assess the results of its work.

35. On the subject of the establishment of an independent national mediation institution for children, she said that there were two schools of thought in Bulgaria on the question of the ombudsman in general. Those who opposed the creation of such a post maintained that, unlike the Scandinavian countries, Bulgaria already had a well-established administrative procedure and that the Office of the Prosecutor provided the necessary follow-up. However, others were in favour of the creation of such a post, as borne out by the seminar held at Sofia in mid-December 1996 under the auspices of the Council of Europe. It was important, nevertheless, that the general public should have the opportunity to express its views on the subject at greater length and the discussion would continue.

36. With regard to the situation of the Roma people, she said that an intergovernmental group had been entrusted with the task of elaborating programmes for that minority and specific steps had already been taken in the areas of education and housing. Proposals had also been made for the funding of those programmes. Moreover, the Centre on Inter-Ethnic Relations carried out studies on the situation of Roma children, with particular reference to the causes of delinquency among them.

37. Regarding the heightening of public awareness about the innovatory principles underlying the Convention, she said that conservative views on the subject still prevailed in Bulgaria, which explained inter alia the difficulties encountered in adopting the draft child protection legislation. In certain circles it was thought that granting children full rights too early would not necessarily guarantee their best interests.

38. The training of social workers in the promotion of children's rights was difficult inasmuch as the rights enshrined in the Convention were very diverse. Despite their limited resources, the Bulgarian authorities were doing their best. For instance, to increase the standing of such professions, the training of social workers had recently been raised to degree level.

39. As for cooperation between the Committee for Young People and Children and the NGOs, it was true that the Committee worked with registered NGOs, but other NGOs could also request to take part in its activities. Moreover, in its last report, which had been widely circulated in Bulgaria, the Committee for Young People and Children had highlighted the impact of economic problems and of the adoption of new values on the situation of children, with particular reference to the fall in the birth rate. The conclusions of the report, in which the Committee identified problems, formulated recommendations and proposed specific strategies, were to be examined by Parliament.

40. Replying to Mrs. Eufemio's questions, she pointed out that her country's initial report had been prepared in cooperation with all the ministries concerned with children's rights and that the explanation for the apparently limited composition of the Bulgarian delegation was simply a lack of financial resources. Her Government was very much in favour of the plan of action for children mentioned by Mrs. Eufemio, but had preferred first of all to promote the adoption of the draft child protection legislation and then move on to consideration of the report by the Committee for Young People and Children, which laid out strategies that represented a real plan of action.

41. Miss Mason had asked some questions about the Committee for Young People and Children. That Committee, which was not strictly speaking new but had been revitalized, coordinated the action of the ministries and other bodies that dealt with children's issues. The Committee's budget was very limited: in 1995 the number of projects it had financed barely represented 20 million leva. However that might be, it was rather early to judge the Committee's effectiveness. As for the problem of the Roma people, a number of studies on the subject had highlighted the fact that it was basically due to the economic situation. While it was true that the authorities had limited scope for action in the area, it was unfair to speak of discrimination. With regard to the collection of statistics, the National Statistics Institute was responsible for collecting data in general, but other institutions might ask it for more specific information. The municipalities that required statistics could do likewise, or else apply to the sociological research organizations. As for access to the media, the statistics showed that every Bulgarian family had a television set. There was also a large number of public libraries and almost all schools had libraries.

42. The CHAIRPERSON observed that a priori the members of the Committee had three kinds of concern. First, the actual status of the Convention vis-à-vis domestic legislation still needed clarification. Secondly, the mechanisms for following up, evaluating and coordinating the implementation of the Convention were inadequate. Thirdly, the Committee recognized the efforts made by Bulgaria for the effective implementation of the Convention, but considered that it would be in the interests of the authorities to take advantage of the possibilities offered by article 45 of the instrument, with a view to receiving greater international cooperation.

43. Mrs. SANTOS PAIS said that the draft child protection legislation should be adopted without delay, so that the Bulgarian Government could comply with article 4 of the Convention. The obligations incurred by States parties under that article with respect to economic, social and cultural rights were perfectly clear, even though it was understandable that the transition towards a market economy was a difficult one. Consequently, although children did not vote and were politically "invisible", there was no question of them being forgotten by the authorities. The Committee on Young People and Children must have all the necessary resources to be able to ensure the requisite coordination and interaction at all levels. As for the statistical data, it should not be forgotten that, when examining Bulgaria's report in 1993, the Human Rights Committee had stressed the need for an independent mechanism to collect data. In Scandinavia, for instance, the ombudsman mechanism had proved very useful in that regard.

44. With respect to the situation of the Roma people, the Government had referred to certain difficulties which were quite understandable. Nevertheless, against the background of the economic crisis, the fact that certain offences were associated with a minority such as the Roma people was still a matter of concern. Action must thus be taken to include the study of the Convention in the school curricula, to ensure that Roma children were taught in their own language and to make the members of all relevant professions (judges, teachers, etc.) better acquainted with the rights enshrined in the Convention.

45. Mr. KOLOSOV said that well-developed administrative structures were not in themselves sufficient to ensure respect for human rights. For example, in Bulgaria, there had been 75 cases of violations of those rights by law-enforcement officers. Since, on the one hand, the judicial system, in the countries with economies in transition did not provide such effective remedies as in the traditional democracies and, on the other, the Committee did not examine individual cases or communications, an ombudsman or similar mechanism would be most welcome in Bulgaria.

46. He would also like to know whether the Committee on Young People and Children was attached to the Office of the Prime Minister or to that of the President and whether it enjoyed the same status as a ministry or had merely an advisory role. Lastly, with regard to the media, he said that the wording of the provisions of the Law on Radio and Television designed to protect children, reproduced in response to issue No. 22, seemed rather vague. Since Bulgaria was a member of the Council of Europe, might it, perhaps, consider acceding to the Convention on Transfrontier Television, which guaranteed children greater protection?

47. Mrs. KARP said she would like to know whether the members of the Committee for Young People and Children participated in the activities of other government bodies or whether they were all independent. She was not sure that, by distributing its resources and thus its activities equally among young people under and over the age of 18, the Committee was serving the best interests of children as such. Lastly, she would like to know whether the Government, or any NGOs, had programmes designed to acquaint both parents and children with the provisions of the Convention and the rights enshrined therein.

The meeting rose at 1.05 p.m.

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Chairperson: Mrs. BELEMBAOGO

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Correction should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

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GE.97-15019 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Bulgaria (continued) (CRC/C/8/Add.29; CRC/C/Q/BUL.1 (list of issues); written replies by the Government of Bulgaria with no document symbol, in English)

1. At the invitation of the Chairperson, the Bulgarian delegation resumed its place at the Committee table.

2. The CHAIRPERSON invited the Bulgarian delegation to reply to the questions not answered at the previous meeting.

3. Mr. KOLAROV (Bulgaria) said, with reference to the legal status of the Convention on the Rights of the Child, that all the international instruments ratified by Bulgaria became part of national legislation and took precedence over the laws enacted by Bulgaria itself. The Convention had entered into force before the promulgation of Bulgaria's new Constitution in 1991. During the procedure of adopting the Constitution, an analysis had been made of existing national legislation with a view to preventing conflicts with international instruments. He was unaware of any laws which conflicted with the Convention. If any such conflict emerged, the national legislation would be amended.

4. However, there was no doubt about the need for specific legislation and mechanisms to implement the provisions of the Convention. A start had been made on the drafting of specific child-protection laws, and some of the legislation enacted was described in paragraphs 4 and 5 of the initial report (CRC/C/8/Add.29). The whole question was still under discussion.

5. The Committee for Young People and Children was a governmental body and represented a first attempt to respond to the deterioration in the situation of children during the period of economic transition. Its main aims were to coordinate policies for children, mobilize non-governmental organizations (NGOs) and raise funds for activities connected with children. It was too early to make a realistic assessment of the Committee's performance, but it was expected to become an effective tool in the provision of aid to children.

6. With regard to children's allowances, Bulgaria had tried to maintain the existing universal system but inflation and the worsening economic situation had taken their toll. The Government was considering a new approach, in which allowances would be concentrated on the more disadvantaged groups of children.

7. The Constitution made no provision for an ombudsman, and it would be for the Government to establish such an office. The matter was still under discussion in parliament and by the general public.

8. In reply to the question on the use of the mass media, and more specifically on Bulgaria's accession to the Convention on Transfrontier Television of the Council of Europe, he could confirm that Bulgaria was a party to about 40 of the Council's instruments. The process of ratifying the remaining instruments had been started, but it was a lengthy one.

9. With regard to social workers, he was able to report that 1997 would see the graduation of the first group of such workers, with master's degrees in children's affairs. Furthermore, the Convention was included in the curricula at all levels of the education system, in particular in all training courses for such public officials as judges and teachers. No specific action had so far been taken to educate parents regarding the Convention.

10. Mrs. BOJKOVA (Bulgaria) said, in reply to Mrs. Eufemio's question about the role of the Ministry of Foreign Affairs, that the Ministry's main function was to coordinate foreign policy, and the Convention was regarded in Bulgaria as part of foreign policy. The fact that there were no members of other ministries in the Bulgarian delegation was exceptional and coincidental. The Ministry's Department of Human Rights and Social and Humanitarian Affairs was mainly responsible for the coordination of matters relating to the Convention. It had already made many recommendations to parliament and other ministries for the amendment of legislation and it had initiated a number of investigations on the basis, for example, of NGO reports of human rights violations. She realized that it was unusual for such matters to be a responsibility of the Ministry of Foreign Affairs, but the purpose of establishing the Department had been to promote human rights and fundamental freedoms in general and those of children in particular.

11. Mrs. EUFEMIO said that it was indeed unusual for a ministry of foreign affairs to be so actively involved in the coordination of matters relating to children. It must be made clear that the submission of periodic reports was not the end of a country's obligation but only part of the cycle of implementation of the Convention. A country must have a monitoring and coordinating mechanism for focusing on matters identified by the Committee as needing attention.

12. She would welcome more information about the Committee for Young People and Children and its relationship with the Ministry of Foreign Affairs. In particular, she would like to know whether the 34 members of the Committee made policy, proposed legislation and conducted performance evaluations.

13. Mrs. BOJKOVA said that the Committee was responsible, under the authority of the Council of Ministers, for formulating national policies and recommending the enactment or amendment of legislation. Its 34 members were not delegated from other ministries or institutions, although it did have a Consultative Council whose membership included representatives from other government departments, NGOs, etc. The Committee had some monitoring functions but it needed specific authorization to carry out such activities. The Constitution vested the main responsibility for monitoring human rights in the Public Prosecutor. However, the Committee could make recommendations to him and report violations of human rights.

14. In reply to Mr. Kolosov's question about an office of ombudsman, she could confirm that Bulgaria's judicial system was entirely independent. The 75 cases of administrative disciplinary action taken against law-enforcement officials had related to misconduct not covered by the Penal Code. Any violations of the Penal Code were punished by the law.

15. Reverting to the question of the role of the Ministry of Foreign Affairs, she said that she realized that Bulgaria's arrangements were different from those of most other countries. However, the situation was as she had described it.

16. The CHAIRPERSON said that the Committee never tried to impose any particular system on a country and merely wanted to understand how Bulgaria's system operated, in order to judge its effectiveness. It was therefore important for the Committee to have a full picture of the relationship between the Ministry, the Committee for Young People and Children and other relevant bodies.

17. She invited the members of the Committee to ask questions about the sections of the list of issues entitled "Definition of the child" and "General principles".

18. Mrs. KARP said that she had not received answers to two of the questions which she had put at the preceding meeting: on the philosophy underlying the division of the budget of the Committee for Young People and Children between children as such and young adults over the age of 18; and on the participation of children in implementation of the Convention.

19. With regard to the definition of the child, the reports made no mention of the minimum age of consent to medical treatment. She would like to know in particular whether children could consult a doctor without parental consent. Still on the question of minimum ages, she would like to know whether the Roma people applied in practice a different minimum age of marriage.

20. She would also like to know whether questions of non-discrimination were dealt with in television broadcasts for children, in an effort to change the attitude of children and the public at large to minorities. Furthermore, there appeared to be inherent discrimination in the segregated education of Roma children; research had shown the danger of de facto discrimination in such segregation. Were Roma leaders asked their opinions of the attempts to change the school curricula for Roma children?

21. With regard to paragraph 45 of the report, she did not understand what was being done to prevent children being stigmatized by the protection measures applied to them. Was there any prohibition on the publication of information about such children?

22. Turning to the best interests of the child, she said that it appeared that problems were sometimes settled in the best interests of the parents rather than of the child. On the related topic of respect for the views of the child, she understood that the recent amendments to legislation did not impose the obligation for a court to hear the views of the child concerned in an appeal against a decision by a local authority. It would seem, therefore, that the appeal procedure favoured the local authority. She would also like to know whether children could apply to the courts for redress of grievances without their parents' permission, particularly in cases of a conflict with the parents.

23. Lastly, she would welcome more information about the participation of children in the administration of the education system, particularly in matters of discipline.

24. Mr. KOLOSOV said, to clear up any misunderstanding, that it had not been his intention to make comparisons between different judicial systems. The point he had been trying to make was closely related to the definition of the child and to the remarks subsequently made by Mrs. Karp. There could be no doubt that children were far more likely to address their complaints to an ombudsman or similar institution rather than to a court of law. Furthermore, on the basis of the information received, an ombudsman might recommend the necessary amendments to legislation, administrative procedures or practices. He asked at what age children could initiate proceedings, on their own behalf, against their parents or other authorities or individuals.

25. According to paragraph 39 of the written replies, there was no explicit definition of the notion of "child" in Bulgarian legislation, which, however, made a distinction between minors and adolescents. It might, perhaps, be a translation problem, but a variety of terms were used elsewhere in the documentation submitted. To avoid confusion, Bulgaria might consider unifying its terminology and bringing it into line with that used in the Covenant, particularly if the latter was to be invoked in Bulgarian courts of law.

26. Mrs. SANTOS PAIS, reverting to the issue of an appropriate legal framework and mechanism for children, stressed the need for all ministries and government departments to take account of the interests of children and for the integration of national policies, with a view to a concerted approach to protecting the rights enshrined in the Covenant.

27. Turning to the definition of the child, she wondered why there was a discrepancy between civil and penal law and expressed concern about its implications. Children under 18 could not bring a case before a court of law on their own behalf, yet there seemed to be no age limit for children to act as witnesses, which remained at the discretion of judges. That surely opened the way to arbitrariness. What guarantees were there that the best interests of the child would be taken into account in such circumstances?

28. Children could be held criminally responsible from the age of 14. Apparently those who were deemed to have understood the gravity of their offences were liable to penal sanctions; others who had not fully grasped their wrongdoing were placed in correctional institutions. However, by United Nations standards, that constituted a deprivation of liberty, and she was concerned that it occurred somewhat too frequently. The Bulgarian authorities might, perhaps, consider alternative solutions such as guidance, education and foster care for such children.

29. According to paragraph 27 of the report, the minimum age for signing a labour contract without parental consent was 16. It was likely, however, that there were instances of children being employed without a contract. What measures had been adopted or were envisaged to ensure that children under 16 did not have access to employment?

30. With respect to the general principles, the Bulgarian Constitution strongly condemned discrimination, but it failed to mention several of the grounds for discrimination listed in the Covenant, including disability and birth. She would like to know, therefore, how the rising numbers of children born out of wedlock were protected against discrimination.

31. Moreover, still on the subject of discrimination, the Constitution merely referred to "citizens" whereas the Convention contained a broader definition "each child within their jurisdiction" (art. 2), which covered stateless and refugee children and asylum seekers. Were there any plans to amend the Constitution to bring it into line with the concept enshrined in the Covenant?

32. Lastly, what action was being taken to prevent discriminatory attitudes towards and attacks on Roma children, not to mention their high drop-out rate from education and frequent institutionalization.

33. It was her understanding that, on account of the great importance attached in Bulgaria to preserving the privacy of family life, there was a reluctance to engage in research into violence and abuse. What assurance was there that the best interests of children were taken into account within the family? Similarly, how were the best interests of children promoted in institutions, where there was ample scope for abuse? Was there a trend in the country to encourage children to become more involved in making decisions which affected them, for instance on schools and leisure?

34. Mrs. BOJKOVA (Bulgaria) said that it was no easy task to respond to such detailed questions and comments, particularly since she had not had the opportunity to consult the other members of her delegation.

35. Responding to the query regarding medical treatment for children, she said that, according to the National Health Act, where surgery was recommended, parental consent was required for children under 18.

36. As for the use of television to combat discrimination against children of minority groups including the Roma people, she said that special programmes could be produced by the national broadcasting authorities if requested and funded by a particular institution or a ministry. Some programmes on human rights had already been made in cooperation with the Council of Europe and the European Union which were designed to educate children in a spirit of peace and tolerance. In any case, all programmes broadcast on national television must comply with Bulgarian legislation, which did not admit discrimination.

37. In answer to the question regarding the education of Roma children, she stressed that there were no special schools for that minority group. Roma children were educated in State general-education schools, free of charge, where attendance was compulsory up to the age of 16. Children in Bulgaria usually attended the local general-education school, although parents were entitled to send them to the school of their choice. It happened, particularly in the cities, that schools in districts with a large Roma community tended to have a high proportion of Roma children. That might be regarded as segregation, but it would surely be artificial to establish

minority quotas in State schools. If the parents of Bulgarian children decided to remove them from schools with a large proportion of Roma children, there was little that could be done about it.

38. Representatives of the Roma organizations had, in the past, requested that classes be taught in the Roma language, only to complain subsequently to the Council of Europe that such measures were segregational, since Bulgarian children tended to leave the schools in question. The government policy was, however, to integrate all children irrespective of their ethnic origin. Representatives of the Roma associations had been involved in the preparation of the national curriculum, which was standard in all general-education schools. In addition, teaching in the Roma language was provided in schools with large numbers of Roma children. There was thus no risk of Roma children being isolated from the general educational trends. It was very difficult, however, to decide how best to deal with the situation, in view of the very fine line between integration and assimilation.

39. She was quite sure that there had been very few court cases in Bulgaria, involving a conflict of interest between parents and children, which had been settled in the latter's favour. The prevailing view of society, reflected in court practice, was that the best interests of the child should be protected by their parents; hence the reluctance to deprive parents of their rights in that connection.

40. Under Bulgarian legislation, children under the age of 14 were not permitted to bring proceedings before a court of law on their own behalf. Children over 14 could do so with parental consent. In the absence of the latter, they could address their complaint to a prosecutor, who would submit it to court.

41. Legislation stipulating the minimum age for marriage applied to all Bulgarian citizens, including the members of the Roma community. The minimum age for marriage was 18 years, although in exceptional circumstances it was permitted from 16 years onwards. Marriages were often contracted between children in the Roma community, in accordance with its customs and traditions, at a much earlier age, but were not officially recognized by the State. Bulgaria had no legislation to prevent such occurrences, and any moves in that direction might be regarded as a violation of human rights.

42. Children born in and out of wedlock enjoyed the same rights under Bulgarian legislation, and children of single parents received a double social allowance. As for the rights of children resident in Bulgaria who were not Bulgarian citizens, article 26, paragraph 2, of the new Constitution provided that foreigners residing in the Republic of Bulgaria should be vested with all rights and obligations proceeding from the Constitution, except those rights and obligations for which Bulgarian citizenship was required by the Constitution or by another law. The exceptions were few in number, and included the right to be a member of the national Parliament or President of the Republic.

43. On the question whether there was a need to unify the terminology relating to children used in the initial report of Bulgaria, she said that the Bulgarian language used only two terms, which referred to children under and

over the age of 14 respectively. However, as Bulgaria was a party to the Convention, all persons below the age of 18 were regarded as children within the meaning of the Convention. In drawing a distinction between children under and over the age of 14, the legislators had been guided by humane considerations; and it was felt that there was no urgent need to amend internal legislation in the light of the Convention, since, in the event of a conflict between the two, the provisions of the latter would prevail. However, any recommendations made by the Committee in that regard would, of course, be brought to the attention of the Bulgarian authorities.

44. As was explained in paragraph 27 of the report, with a very few exceptions - such as children employed in the world of entertainment, the minimum age at which a child was permitted to conclude a labour contract was 16. In the public sector, compliance with that age-limit was very strictly monitored. Particularly in view of the difficult economic climate that currently prevailed, she could not say with certainty that no cases existed of children under that age being employed without labour contracts in the private sector. However, there were procedures within the Ministry of Labour and Social Affairs and the Labour Court for monitoring compliance in that sector.

45. As previously stated, a special council on democratic issues and social affairs had been established within the Council of Ministers and entrusted with the task of formulating a policy programme with regard to the problems of the Roma and other minority ethnic groups. That programme had been submitted to the Council of Ministers for approval but had not yet been adopted, having been accorded lower priority than tasks such as the adoption of the 1997 budget and privatization schemes. Currently, then, no legislative measures existed providing for affirmative action vis-à-vis Roma children and those from other minority groups. Bulgarian public opinion continued to be very hostile to any form of "positive discrimination" in favour of specific groups, which brought unwelcome reminders of the privileges enjoyed by the few under the former Communist regime.

46. Mr. KOLOSOV said that a child could appear before a court in three capacities, namely, as a witness, a defendant or a claimant. The Bulgarian representative's replies had dealt with the first two of those categories; he particularly wished to know, however, from what age a child was entitled to appear before a court as a claimant.

47. Mrs. SANTOS PAIS said that, like many other societies, Bulgarian society traditionally tended to assume that parents were always the most effective guarantors of the best interests of the child. Accordingly, it upheld the right of the family to privacy. However, that right acted as a barrier to effective forms of intervention, such as counselling, in cases where the best interests of the child were not in fact guaranteed by the parents. What measures were taken to guarantee the best interests of children within the family and in children's institutions, and who was empowered to act on their behalf?

48. Mrs. KARP asked whether the Bulgarian authorities had considered appointing a child defender to act in cases where disputes between the parents revealed a need for the child to be given an independent hearing.

49. Miss MASON said that the Committee's written questions on discrimination against children had received somewhat perfunctory answers, to the effect that Bulgarian legislation did not provide for such a situation. However, paragraphs 44 and 45 of the initial report of Bulgaria acknowledged that children continued to be the victims of discrimination. Reference had indeed been made to an ongoing study on the situation of Roma children but the Committee would have liked to have heard of more practical measures to combat such discrimination. Legislation was a first step towards resolving problems, and also served to highlight the need for action, but there was no legislating against attitudes.

50. A start might be made in that regard by taking practical steps to inculcate the values of tolerance and understanding of other cultures and civilizations, to which attention was drawn in article 29, paragraph 1, subparagraph (d), of the Convention. Specifically, she wished to know who, in a society in which cultural minorities were not properly understood, would be in a position to "express an opinion or put forward proposals" (para. 53 of the initial report) on behalf of Roma students.

The meeting was suspended at 4.55 p.m. and resumed at 5.05 p.m.

51. Mrs. BOJKOVA (Bulgaria), replying to questions as to whether the privacy of the family was still upheld in Bulgarian society and by the practice of the courts, and on measures taken to ensure that the best interests of the child were protected, said that the philosophy underlying the Bulgarian Family Code predated the entry into force of the Convention, and reflected society's traditional assumption that parents were the most effective guarantors of the best interests of the child. However, the new child protection bill envisaged measures such as the establishment of special social services at the national and local levels to mediate between children and their families in cases where their interests conflicted.

52. Ms. TODOROVA (Bulgaria) said that the issue was one whose theoretical and practical ramifications were currently much debated by lawyers, in the light of the new agenda posed by the Convention on the Rights of the Child. The first question was how to ensure fuller public intervention in family life in order to protect children's best interests where they conflicted with those of the parents. The intention was to introduce western-style social services to act as mediators between children and the authorities. However, it was proving difficult to establish an effective process for reporting cases of violence within the family.

53. Another very important issue was how to ensure separate and fuller representation for the child in the various administrative and court proceedings. It was proposed to introduce a system modelled on the western institution of the guardian ad litem. Paragraphs 3 to 5 of the written replies by her Government described the new child protection bill in some detail.

54. Mrs. BOJKOVA (Bulgaria) explained that the minimum age at which a child could appear before the courts as a claimant was 18 years. Below that age, the child had to be represented by the office of the prosecutor. A child could appear in court as a witness at any age.

55. The best interests of the child in a boarding-school were protected by the director of the establishment. Other procedures were open to children to ensure that their best interests were served, as to all Bulgarian citizens. However, access to those channels were effectively limited in that the child would need extensive knowledge of his or her rights before recourse to such procedures would be feasible.

56. The child protection bill provided for the establishment of an office of the public defender which would deal with the relationship between children and their parents.

57. As for paragraph 45 of the initial report and the request for further information, studies had been made by the Committee for Young People and Children, on the basis of interviews with children, which examined the specific problems facing young people and children. There had unfortunately not been enough time to collate all the information and include it in the report. The studies had been very thorough however, and the children interviewed had been very frank with the investigators.

58. The right of children, particularly those belonging to vulnerable social groups such as the Roma minority, to express their views and air their problems was guaranteed. Roma children had the same rights as other children in the schools and were represented on school councils. They were also represented on the Consultative Council of the Committee for Young People and Children. Furthermore, Roma children could, if they preferred, turn to Roma organizations, including NGOs.

59. The CHAIRPERSON invited the Committee to ask questions about the sections of the list of issues entitled "Civil rights and freedoms" and "Family environment and alternative care".

60. Mrs. SANTOS PAIS said that the question of child labour had also to be looked at from the point of view of situations that fell outside contractual employment relationships. Legislation had a vital role to play in hammering home the message that child labour, whether contractual or otherwise, was unacceptable and that the employment of young persons should comply fully with the provisions of the Convention.

61. In its transition to a democratic system, Bulgaria should consider positive action to assist particularly disadvantaged groups and members of society.

62. Some countries' legislation expressly stipulated that parents had no right to inflict corporal punishment on their children. Research had shown that, in those countries, the incidence of such forms of punishment was on the decline. Bulgaria should, therefore, consider including similar provisions in its child protection bill. In educational institutions, where the director was responsible for the best interests of the child, external monitoring was the most effective way of enabling children, preferably on a confidential basis, to lodge complaints where necessary and discuss their problems.

63. The assertion in paragraph 89 of the report that "corporal punishment is non-existent in Bulgarian law" was somewhat idealistic. No Government could

possibly swear that corporal punishment did not exist in its country. Information on cases of alleged ill-treatment, torture or degrading treatment or punishment of children should be provided. Every effort should be made to ensure that all allegations of such treatment were investigated thoroughly and impartially, that any potential danger to children during the investigation was minimized and that justice was seen to be done.

64. The openness of the delegation's introductory statement regarding alleged cases of police brutality against street children, particularly those belonging to the Roma minority, was to be applauded. Did law-enforcement officials receive systematic training in human rights and, more particularly, the rights of children?

65. Mrs. KARP said that the best interests of the child could be protected most effectively through the establishment of a mechanism whereby children were helped to form their own opinions and given information on issues affecting them. Children should be dealt with in a way that was most favourable to them. That principle extended to the treatment of children when they were called on to appear as witnesses before a court. Judges should be instructed in the most sensitive way to deal with children who were victims of domestic violence or abuse, for example, and required to give evidence against a parent. Were there any theories in Bulgaria on the best way to ensure that the suffering of such children was minimized?

66. Although early marriage was prohibited by law, it apparently did exist. The delegation could, perhaps, provide information on what was being done to change attitudes to such marriages and on the risks involved.

67. Paragraph 4 of the written replies to the Committee's questions referred to police protection for children whose rights had not been respected. She was not sure that that was the best way of dealing with children who needed rehabilitation after suffering either physical or psychological abuse. She would like to know how the proposed legislation would deal with cases in which parents were responsible for such abuse. From the written replies, it appeared that sexual abuse was not listed as an offence under the Penal Code. Were there provisions in the new legislation to rectify that omission and provide for programmes to help the family and rehabilitate abused children?

68. Mr. KOLOSOV said that, when reporting States referred to their constitutional provisions and instruments, they often stated that the rights they contained were equally valid for children. Such recognition of the rights of children was, however, merely implicit. For society at large, it was necessary to spell out that legal subtlety by introducing a minors' code or amending existing legislation so that it explicitly stated that the rights therein extended to children.

69. The Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (the Hague Convention) was an important international instrument and, given that the adoption of children from Eastern European countries was popular, he wondered whether Bulgaria intended to become a party thereto.

70. He asked whether any consideration had been given to campaigns to raise awareness or change attitudes with respect to corporal punishment both within the family and more particularly in correctional homes, where more serious problems might exist. Given the complexity of the system whereby children in such homes could take a case to court only through the office of the prosecutor, alternatives should be considered. One solution would be the establishment of an independent structure to monitor the situation of children in correctional homes and the kind of punishment being meted out there.

71. Since medical counselling was available only for persons of 18 years and over, if a girl child below 18 wished to terminate a pregnancy, would she have to seek her parents' consent? If so, that would violate the terms of the Convention regarding a child's right to privacy.

72. Mrs. EUFEMIO asked how children in rural areas who were victims of sexual or physical abuse could express themselves through media specifically designed for that purpose and what efforts were being taken to enable pre-school children to use other forms of media to express themselves. Information should be provided on indicators, or their development, to assess the effectiveness of the mass media in terms of children's issues. How was the State encouraging the mass media to comply with article 17 of the Convention, without interfering with the autonomy of the media? She also asked whether there was any self-evaluation or monitoring by the mass media and what was being done about the lack of a State policy on protecting children from violence and pornography promoted by sources among the media.

73. What was being done in the family and schools in terms of children's vulnerability and attraction to new religious movements and how were children being affected by such religions?

74. She also asked how the State ensured that prospective parents were in a position to assume their future responsibilities and inquired about the incidence of single-parent families, why they existed and what steps were being taken to reduce the number of one-parent families. Where there were two parents, she would like to know how complete equality between the mother and the father could be ensured in terms of caring for the child?

75. Finally, since Bulgaria was not a party to the Hague Convention, how did it deal with cases in which a child was abducted by one of the parents and taken to another country? Did Bulgaria intend to ratify the Hague Convention?

The meeting rose at 6 p.m.